

June 20, 2024

Via ECF

The Honorable Allyne R. Ross
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (JAM)

Dear Judge Ross,

We write on behalf of Plaintiff and the Class pursuant to Your Honor's Individual Rule I.E. to request a one-week extension of the briefing deadlines on two categories of ongoing motion practice that are affected by today's Opinion & Order from the Court on XOOM's motion to decertify the class. ECF 246. Defendants are unable to take a position on the requested adjournments in the short time since the Court's Opinion & Order issued this morning but do not oppose the filing of this letter.

Per Your Honor's Individual Rule I.E., the current and requested new deadlines follow:

Brief	Current Deadline	Requested New Deadline
Plaintiff's Combined Opposition to Defendants' Two Motions to Exclude Expert Testimony	June 21, 2024	June 28, 2024
Both Parties' Reply Memoranda in Support of their Motions <i>In Limine</i>	June 24, 2024	July 1, 2024
Defendants' Reply Briefing In Support of its Motions to Exclude Expert Testimony	July 19, 2024	July 26, 2024

The reason for this request is that the parties need time to consider and incorporate the Court's guidance from this morning's Opinion & Order into imminently due briefing on two substantial categories of outstanding motions.

Specifically, tomorrow is Plaintiff's current deadline to respond to XOOM's 55 pages of motions seeking to exclude Plaintiff's expert. Today's Opinion & Order refines several issues discussed in those filings.

Similarly, each party's *in limine* opposition briefing exceeds 100 pages, and today's ruling bears on several topics germane to each party's forthcoming reply briefing that is due on Monday.

The Honorable Allyne R. Ross

Page 2 of 2

This is the first request to extend the deadline for the parties' replies in support of their Motions *In Limine*. Plaintiff previously requested, and was granted, an extension on her deadline to file her oppositions to XOOM's two *Daubert* motions, which she now intends to file in one combined brief, from June 10 to June 21. No other scheduled dates are affected.

Thank you for the Court's consideration of this request.

Respectfully Submitted

/s/ J. Burkett McInturff

J. Burkett McInturff

*Class Counsel for
Plaintiff and the Class*

cc: All Counsel of Record (*via ECF*)